

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

vs.

ROBERT VIETA,

Defendant

Case No. 02-40255

HONORABLE PAUL V. GADOLA  
HONORABLE STEVEN D. PEPE

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**OPINION AND ORDER (RE: DKT. ## 110, 111, 115, 116, 119)**

All pretrial proceedings have been referred to the undersigned pursuant to 28 U.S.C 636 (b)(1)(A) and (B). Plaintiff's Motions for Discovery and/or Sanctions (Dkt. ##110, 111, 115, 116, 119) – ARE DENIED.

In a previous order the undersigned indicated that it is was not possible from reading these motions to determine whether Plaintiff was referring to a continuing failure to respond to one discovery request or failures to respond to multiple discovery requests, and pointed out that Plaintiff had not replied to Defendant's allegation that he has responded to all outstanding discovery (Dkt. #126).

Plaintiff was given until September 12, 2006, to indicate to which discovery request(s) each motion was referring, the date on which the request was served, the date he received a response, if any, and any remaining issue(s) by completing a form that was attached to the order. It was explained that failure to comply would result in denial of the outstanding motions.

Plaintiff neglected to use the attached form, but indicated in a September 18, 2006, document titled "Addendum" that all of the motions were filed with regard to his first and only discovery

request, which was apparently submitted to Defendant on June 12, 2006, and contained requests for production of documents and interrogatories (*See* Dkt. #129).

Plaintiff has not attached a “verbatim recitation” of the discovery request he has submitted to Defendant seeking this information and has not certified that he has “in good faith conferred with or attempted to confer with the party not making the [requested] disclosure in an effort to secure the disclosure without court action” as required by E.D. Mich. LR 37.2 and Fed. R. Civ. P. 37(a)(2)(A). Therefore, Plaintiff’s motion could be denied on this basis alone.

Further, Plaintiff has indicated that Defendant responded to the request on June 12, 2006, albeit, apparently, in a manner which is unacceptable to Plaintiff. The undersigned cannot make a ruling on the sufficiency of the answers because no information has been provided regarding what information was sought and what responses were provided. Therefore, these motions are denied without prejudice to Plaintiff filing a motion to compel discovery if he can show that the response(s) Defendant provided to the discovery request did not comply with the applicable discovery rules.

SO ORDERED.

Dated: October 4, 2006  
Ann Arbor, Michigan

s/Steven D. Pepe  
United States Magistrate Judge

Certificate of Service

I hereby certify that a copy of this Order was served upon all parties of record by electronic means and or U. S. Mail on October 4, 2006.

s/Deadrea Eldridge  
Courtroom Deputy Clerk